

ATTACHMENT - REMARKS

By this Amendment, a translation of the priority document has been provided. In the claims, non-elected method claims 1-3 have been canceled but without prejudice for refiling in a divisional application. In addition, independent apparatus claim 4 has been amended to further define the present invention and for better conformance with US practice, while claims 5-9 dependent therefrom have been amended for better conformance with US practice. It is submitted that the present application is in condition for allowance for the following reasons.

In the *Claim Rejections - 35 USC § 112* section of the DETAILED ACTION, dependent claims 5-8 were rejected as being indefinite. In particular, the examiner noted that the use of the term "etc." was improper. By this Amendment, the term "etc." has been deleted from claims 5-8; and these claims as well as independent claim 4 have also been amended for consistency with US practice and consistent with the deletion of "etc." therefrom. It is therefore submitted that claims 5-9 are now definite.

In the *Claim Rejections - 35 USC § 102* section, independent claim 4 and dependent claims 5-9 were initially rejected under 35 USC § 102(e) as being anticipated by the Keyes patent. However, the Keyes patent is not prior art to the present claims once benefit of the priority IT application No. GE2003A000110 is established in view of this rejection. Since a certified copy of the priority application has already been filed, the priority benefit of this IT application will be established once an English translation of the IT application is made of record.

In view of the above, attached hereto is an English language translation of the IT priority application, together with a statement that the translation is accurate. By filing

this translation, benefit of the priority date of the IT priority application of December 18, 2003 is now established, which date predates the filing date of the Keyes patent of September 20, 2004. Therefore, it is submitted that the Keyes patent is not prior art to the present claims and this prior art rejection should now be withdrawn.

Also in the *Claim Rejections - 35 USC § 102* section, independent claim 4 and dependent claims 5-9 were rejected under 35 USC § 102(e) as being anticipated by the Fujimoto patent. However, for the following reasons, it is submitted that these claims are all allowable over this reference.

As now claimed in amended independent claim 4, the present invention provides a film of non-adhesive and lubricating material applied on a) the inner surface of the casing tube and the outer surface of the heat-insulating material, and/or b) the outer surface of the carrier tube and the inner surface of the heat-insulating material. With this construction, the film of non-adhesive and lubricating material is able to achieve a condition of sliding with controlled friction between a) the outer surface of the heat-insulating material and the inner surface of the outer casing tube, and/or b) the inner surface of the heat-insulating material and the outer surface of the inner carrier tube.

The Fujimoto patent discloses a double walled pipe 11 having an inner pipe 11 and an outer pipe 13 as shown in figures 5-13. Provided between inner pipe 11 and outer pipe 13 are: a concrete layer 14, a styrene foam layer 18, and a polypropylene pipe 17. As noted at 15/67-16/2, "A lubricant is coated between an inner wall of the outer pipe 13 and an outer wall of the polypropylene tube 17" (emphasis added). As also indicated thereafter, this construction provides a number of portions of the pipe which can slide relative to one another.

However, while the Fujimoto patent does provide a sliding configuration in a relatively complicated construction, it does not do so as particularly claimed in amended claim 4. In particular, claim 4 recites that the film is applied on the inner surface of the casing tube and the outer surface of the heat-insulating material. The Fujimoto patent only discloses a lubricant applied to the inner surface of the outer (casing) tube and the polypropylene pipe. Nowhere is there disclosed that the lubricant is applied as claimed; and since the Fujimoto patent teaches that the foam (insulating) layer is spaced from the inner and outer pipes by another layer, it would not be possible (or obvious) to supply the lubricant as now claimed in amended claim 4.

Therefore, for all of the foregoing reasons, it is submitted that amended independent claim 4 is neither disclosed nor made obvious by the Fujimoto patent, so that claim 4 is now allowable. And for at least these same reasons, it is submitted that claims 5-9 dependent from claim 4 are likewise allowable.

Further in the *Claim Rejections - 35 USC § 102* section, independent claim 4 and dependent claims 5-6 and 8-9 were again rejected under 35 USC § 102(e) as being anticipated by the Blin patent. However, for the following reasons, it is submitted that these claims are all allowable over this reference.

The Blin patent discloses a thermally insulating pipe lagging 10 which is applied onto a pipe C between couplings B. This lagging 10 includes an inner tube of elastomeric material with an inner surface have a screw thread shape (with helical rib 12 and helical groove or coil 14) about which is wrapped insulating sheets 19 and 20 covered by an outer coating 21. The lagging 10 is then "installed by ... threading" (see

4/53-54) onto pipe C, which threading is made easier by a lubricating film applied "to the inside surface of the rib 12" (see 4/59).

The field of use of the lagging of the Blin patent is considerably different from that of the present invention. More importantly, the lagging of the Blin patent also does not provide a film of non-adhesive and lubricating material as claimed. In the Blin patent, the lubricating film is disclosed only as being applied to the inner surface of the rib 12 of the elastomeric material 11. Nowhere is there disclosed that the lubricating film is applied as claimed; and since the Blin patent teaches that the lubricating film is to ease the threading of the lagging 10 on pipe C, it would not be obvious to supply the lubricant as now claimed in amended claim 4 since this would make the threading of lagging 10 on pipe C harder.

Therefore, for all of the foregoing reasons, it is submitted that amended independent claim 4 is neither disclosed nor made obvious by the Blin patent, so that claim 4 is now allowable. And for at least these same reasons, it is submitted that claims 5-6 and 8-9 dependent from claim 4 are likewise allowable.

For all of the foregoing reasons, it is submitted that the present application is in condition for allowance and such action is solicited.

Respectfully submitted,

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